

SHIRLEY INFANTE,

Plaintiff,

versus

SAMARA PORTFOLIO MANAGEMENT,
L.L.C., LAW OFFICE OF JOSEPH
ONWUTEAKA, P.C., JOSEPH
ONWUTEAKA, INDIVIDUALLY,
Defendants.

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CIVIL ACTION NO. 1:14-CV-00324

**MEMORANDUM ORDER OVERRULING DEFENDANTS' OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION ON
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM**

Plaintiff Shirley Infante brought this complaint alleging that a previously filed lawsuit brought against her by Joseph Onwuteaka of the Law Office of Joseph Onwuteaka, P.C., violated the Fair Debt Collection Practices Act.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends denying Defendants' Motion for Summary Judgment (Doc. No. 45) and Defendants' Motion to Dismiss for Plaintiff's Failure to State a Claim. (Doc. No. 47.)

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Defendants filed "Objections to Report and Recommendation on Defendants' Motion for Summary Judgment and Motion to Dismiss for Failure to State a Claim." This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes Defendants' objections are without merit. In the objections, Defendants claim they demonstrated the absence of a genuine dispute of material fact on Plaintiff's claim for violation of 15 U.S.C. 1692(a)(2), that Plaintiff's complaint does not set forth facts that give rise to a claim on which relief may be granted, and Plaintiff's amended complaint does not plead facts to show that defendants are debt collectors. The arguments in the objections are essentially the same arguments made in the Defendants' Motion for Summary Judgment and Motion to Dismiss for Failure to State a Claim that were correctly rejected by the magistrate judge.

O R D E R

Accordingly, Defendants' objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**.

SIGNED at Beaumont, Texas, this 23rd day of March, 2017.

A handwritten signature in black ink, reading "Marcia A. Crone", is written over a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE